

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARFIELD D. BENTLEY,

Petitioner,

- against -

SUPERINTENDENT, Green Haven Correctional
Facility,

Respondent.

ORDER

22-CV-03818 (PMH)

PHILIP M. HALPERN, United States District Judge:

Petitioner, who is proceeding *pro se*, commenced this action by filing a Petition for a Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 on April 28, 2022. (Doc. 1). On November 7, 2023, Magistrate Judge Judith C. McCarthy issued a Report and Recommendation, recommending that the Petition be denied. (Doc. 43, “Report”). The Report advised that “the parties shall have fourteen (14) days from the receipt of this [Report] to serve and file written objections. If copies of this [Report] are served upon the parties by mail, the parties shall have seventeen (17) days from receipt of the same to file and serve written objections.” (*Id.* at 26). To date, Petitioner has not filed any objections to the Report.

A copy of the Report was mailed to Petitioner by the Clerk’s Office on November 8, 2023, to the mailing address provided by Petitioner: Garfield D. Bentley DIN:17A4340 P.O. Box 116 Fallsburg, NY 12733-0116. (*See* November 8, 2023 docket entry). On December 21, 2023, Petitioner advised the Court of a change in address, and a copy of the docket sheet was mailed to Petitioner at his new address: Great Meadow Corr. Facility, Box 51, Comstock, NY 12821-0051. (*See* Doc. 44; December 21, 2023 docket entry).

Given Petitioner's *pro se* status and recent change in address, the Court *sua sponte* extends Petitioner's time to serve and file written objections to the Report by fourteen (14) days from the receipt of this Order. No further extensions of time will be granted. As indicated in the Report, failure to file timely objections to the Report will preclude later appellate review of any order of judgment that will be rendered. *See* 28 U.S.C. § 636(b)(1); *Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008).

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: White Plains, New York
December 28, 2023

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

PHILIP M. HALPERN
United States District Judge